

BEFORE THE BOARD OF EDUCATIONAL EXAMINERS  
OF THE STATE OF IOWA

RECEIVED  
EXECUTIVE DIRECTOR  
BOARD OF EDUCATIONAL EXAMINERS

JUN 01 2016

In the matter of: ) BOEE Case No. 16-29  
) (Folder # 361872)  
NICHOLAS WYNIA, )  
)  
Respondent. ) **COMBINED STATEMENT OF**  
) **CHARGES, SETTLEMENT**  
) **AGREEMENT, AND FINAL ORDER**

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) and 282 IAC 11.4(6), and with full knowledge of the right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon his license, the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of his desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the disciplinary hearing will be rescheduled and the stipulations contained herein are not binding upon the Respondent and will not be presented against him at the time of hearing without further agreement of the Respondent.

Board approval of this Combined Statement of Charges, Settlement Agreement, and Final Order shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

**NOTICE OF HEARING**

A hearing in this matter will not be held, as the State and Respondent have entered into the following consent agreement in lieu of scheduling a contested case hearing. If the Board does not accept this Combined Statement of Charges, Settlement Agreement, and Final Order, the matter may be set for hearing in accordance with 282 Iowa Administrative Code rule 11.7.

**STATEMENT OF CHARGES**

Respondent is charged with violating 282 Iowa Administrative Code rule 25.3(2)(b), which prohibits being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming alcohol.

**STIPULATIONS**

1. Respondent holds a SUBSTITUTE AUTHORIZATION (FOLDER #361872),

which is current and will next expire on June 30, 2019. Respondent also holds an expired initial license.

2. During the events of this case, Respondent was employed as a substitute teacher with the Iowa City Community School District.

3. On February 15, 2016, the Board of Educational Examiners received a complaint against Respondent alleging a violation of the Code of Ethics.

4. On April 8, 2016, the Board found probable cause to proceed to hearing based upon the facts set forth in paragraph 5 below.

5. Respondent reported to work on February 11, 2016 under the influence of alcohol.

### **SETTLEMENT AGREEMENT**

6. This Combined Statement of Charges, Settlement Agreement, and Final Order constitutes the final resolution of a contested case proceeding and shall have the force and effect of a disciplinary order entered following a contested case hearing.

7. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

- a. Respondent accepts a WRITTEN REPRIMAND.
- b. Respondent agrees his license will be suspended for a minimum period of TWO YEARS. Respondent's suspension shall run retroactively from February 11, 2016. Respondent agrees that under 282 Iowa Administrative Code rule 11.34 he has the burden upon reinstatement to prove that the reason for suspension no longer exists and that it is in the public interest to reinstate his license. At a minimum, Respondent must document successful completion of the requirements in subparagraphs c and d.
- c. Respondent agrees to successfully complete at least fifteen in-person contact hours in "Ethics for Educators." This course is offered by the ISEA. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the Ethics for Educators course prior to seeking reinstatement.
- d. Respondent agrees to undergo a substance abuse evaluation. Respondent shall select a substance abuse counselor, subject to preapproval by the Board's Executive Director. Respondent shall provide the substance abuse counselor with a copy of this Combined Statement of Charges, Settlement Agreement, and Final Order. Respondent is responsible for all costs associated with the completion of this requirement. Respondent shall

provide the Board with an up-to-date written substance abuse evaluation prior to seeking reinstatement.

### LICENSEE DECLARATION

I understand that this Combined Statement of Charges, Settlement Agreement, and Final Order is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

I understand State's counsel will present this Combined Statement of Charges, Settlement Agreement, and Final Order to the Board *ex parte*.

I agree to comply with the requirements set forth in the stipulations and requirements of this Combined Statement of Charges, Settlement Agreement, and Final Order and understand that my failure to do so can result in additional discipline of my teaching license.

I understand that this Combined Statement of Charges, Settlement Agreement, and Final Order is a public record, which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

6-1-16  
Date

Nicholas Wynia  
Nicholas Wynia, Respondent

## ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS THAT:

1. The conduct with which Respondent has been charged constitutes a violation of the Code of Professional Conduct and Ethics governing the teaching profession. Respondent is REPRIMANDED for the charged conduct.

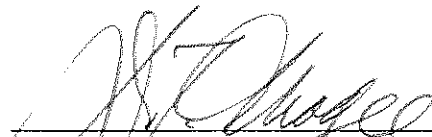
2. Additionally, Respondent's license is SUSPENDED for a minimum period of TWO YEARS. Respondent's suspension shall run retroactively from February 16, 2015. Respondent bears the burden upon reinstatement to prove that the reason for suspension no longer exists and that it is in the public interest to reinstate his license. At a minimum, Respondent must document successful completion of the requirements in paragraphs 3 and 4 of this Order.

3. Respondent shall successfully complete at least fifteen in-person contact hours in "Ethics for Educators." Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the Ethics for Educators course prior to seeking reinstatement.

4. Respondent shall undergo a substance abuse evaluation. Respondent shall select a substance abuse counselor, subject to preapproval by the Board's Executive Director. Respondent shall provide the substance abuse counselor with a copy of this Combined Statement of Charges, Settlement Agreement, and Final Order. Respondent is responsible for all costs associated with the completion of this requirement. Respondent shall provide the Board with an up-to-date written substance abuse evaluation prior to seeking reinstatement.

5. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the allegations as well as mitigating circumstances.

Dated this 17<sup>th</sup> day of June, 20 16.



Duane T. Magee, Executive Director  
Iowa Board of Educational Examiners

Copies to:

Nicholas Wynia  
RESPONDENT

Renner K. Walker  
ATTORNEY FOR THE STATE